



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/684,057

10/06/2000

Stefan Johansson

15292.2

1607

7590

12/03/2007

Attn: DANA L. TANGREN
WORKMAN, NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2153

MAIL DATE

DELIVERY MODE

12/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/684,057

Applicant(s)

JOHANSSON, STEFAN

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30,35,36 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30,35,36 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070627</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.
2. In the interest of expedited prosecution, the Examiner recommends conducting an interview prior to filing a response to the present application. Since the claimed subject matter, as best understood by the Examiner, appears to be allowable over the prior art of record, an interview to discuss the outstanding rejections under 35 U.S.C. § 112 is recommended. Applicant is encouraged to prepare a proposed amendment to overcome the § 112 rejections and contact the Examiner to schedule an interview to discuss any remaining issues.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-30, 35, 36 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. With regard to claim 1, the relationship between portions of the data structure in the unsolicited message and the remainder of the claim is unclear. For example:

the “third field” contains a port number to be used when establishing a TCP/IP connection with the network server. It is unclear if this is intended to be “packet data protocol connection” mentioned in the seventh field and in the establishing step or a separate connection;

the “fifth field” comprises a key used to calculate a response to “the SMS message”. There is insufficient antecedent basis for this limitation in the claim;

the “seventh field” comprises a quality of service that the network specifies the mobile station request when using the “packet data protocol session”, but the quality of service is not used in the establishing step. It is unclear if the act of “requesting” the QoS is intended to be incorporated into claim 1.

Claims 16 and 24 contain similar limitations and are rejected under the same rationale.

6. With regard to claim 3, the limitation “wherein the first data packet network address comprises an Internet Protocol of an X.25 protocol address” is unclear. Claim 1, from which claim 3 depends, states that the “second field contains an IP address comprising the first packet data network address”. An “IP address” cannot comprise a “packet data network address” that is an “X.25 address”.

Claims 8, 18, 23 and 27 contain similar limitations and are rejected under the same rationale.

Art Unit: 2153

7. With regard to claim 9, the limitation "examining an activation code" in line 3 is unclear. It is unclear if this is intended to be the "GPRS activation code" of claim 1, from which claim 9 depends, or a different activation code.

8. With regard to claim 45, the limitation "wherein the data structure is formatted according to the format of the data structure shown in Figure 3" is unclear. It is unclear what subject matter Applicant intends to incorporate via this limitation. The "data structure shown in Figure 3" is not specifically defined, and the discussion accompanying Figure 3 even acknowledges that there may be different "layout versions" and lists examples of the type of information that may be stored in portions of the data structure (Specification, 19, ll. 6-12). Furthermore, the use of the language "formatted according to" makes it unclear if the intended subject matter is exactly the same as the data structure shown in Figure 3 or if Figure 3 is merely intended to guide the formatting. For at least these reasons, the scope of claim 45 is not ascertainable to one of ordinary skill in the art.

9. All claims not individually rejected are rejected by virtue of their dependency from the above claims.

Allowable Subject Matter

10. As discussed above, it appears that claims 1-30, 35 and 36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph,

set forth in this Office action. The Examiner recommends preparing a proposed amendment to overcome the outstanding rejections and contacting the Examiner to schedule an interview to discuss any remaining issues.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

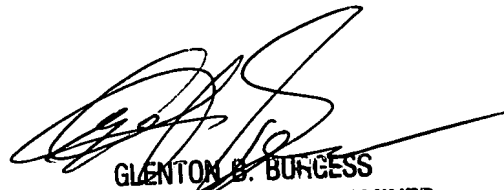
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS
11/14/07



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100